

United States Court of Appeals For the First Circuit

No. 15-1170

IN RE: DZHOKHAR TSARNAEV

Petitioner

Before

Lynch, Chief Judge,
Torruella and Howard, Circuit Judges.

ORDER OF COURT

Entered: February 13, 2015

Petitioner has filed a motion to unseal the unredacted version of his Second Petition for Mandamus as well as the government's Opposition. The motion is denied without prejudice. As granting this motion would essentially result in this court unsealing materials which the district court has sealed, petitioner must first ask the district court to unseal these materials and obtain a ruling thereon from the district court, thereby providing the district court an opportunity to express its views on the matter. We request that the district court act promptly with respect to this matter.

As we understand petitioner's motion, petitioner wishes to refer in his supplemental brief and at oral argument to the following:

- (1) information from sealed juror questionnaires
- (2) sealed portions of publicly conducted voir dire
- (3) the aggregate number of jurors the district court deemed qualified as of the dates of the filing of the Second Petition for Mandamus and the government's Opposition
- (4) the parties' arguments and the district court decisions on individual juror qualifications.

Petitioner stipulates that all references would be by juror number and would not disclose any personal identifiers.

If the district court and this court do not rule further on petitioner's unsealing request prior to noon, February 17, 2015, when the supplemental briefs are due, then petitioner and the government should be prepared to file redacted supplemental briefs on the public docket and unredacted supplemental briefs under seal.

By the Court:

/s/ Margaret Carter, Clerk

cc: Honorable George A. O'Toole
Robert Farrell, Clerk of Court
Miriam Conrad
David I. Bruck
Judith H. Mizner
Timothy G. Watkins
William W. Fick
Judy Clarke
William D. Weinreb
Dina Michael Chaitowitz
Aloke Shankar Chakravarty
Nadine Pellegrini
Steven D. Mellin
Matthew R Segal
Jonathan M. Albano
Emma D. Hall